

PATUNAS LAW LLC

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February 23, 2018

VIA ECF

Hon. Stanley R. Chesler, U.S.D.J.
United States District Court
Martin Luther King, Jr. Federal Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *Impax Laboratories, Inc. v. Actavis Laboratories FL, Inc. And Actavis Pharma Inc.*
Civil Action No. 15-6934 (SRC/CLW)

Dear Judge Chesler:

This firm, together with Kirkland & Ellis LLP, represents Plaintiff Impax Laboratories, Inc. in this matter. We write on behalf of both parties regarding the notice received from the Court earlier this week scheduling a four day trial for March 6, 2018. I write to alert you that both parties have serious witness unavailability issues that make trial that week an impossibility. The parties have met and conferred and would propose that the trial be rescheduled for one of the weeks of May 7 or May 14, 2018.

Both parties have important “will call” witnesses that are simply unavailable for any trial in early March. For Impax, four “will call” expert witnesses are completely unavailable in that timeframe, including two that have longstanding and immovable prior commitments to be out of the country. Three of Actavis’s four expert witnesses are similarly unavailable. In short, we simply do not have the necessary and indispensable witnesses available to present our respective cases starting on March 6.

After meeting and conferring, the parties agree that a trial during the weeks of May 7 or 14 would permit both parties to complete their cases within the four days allotted by the court, without any undue delay due to availability issues. The parties respectfully request that the trial be rescheduled for either of those weeks.

As always, we appreciate the Court’s consideration, and remain available to discuss this matter further at the Court’s convenience.

Respectfully submitted,

/s/ Michael E. Patunas

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cc: Hon. Cathy L. Waldor, U.S.M.J. (Via ECF)
All Counsel (Via ECF)